

## BOARD OF SUPERVISORS MEETING MINUTES OF APRIL 24, 2006

At a regular meeting of the Pulaski County Board of Supervisors held on Monday, April 24, 2006 at 7:00 p.m. at the County Administration Building, Board Room, 143 Third Street, NW, in the Town of Pulaski, Virginia, the following members were present: Joseph L. Sheffey, Chairman; Frank R. Conner, Vice Chairman; William E. "Eddie" Hale; Ranny L. Akers; and Dean K. Pratt. Staff members present included: Thomas J. McCarthy, Jr., County Attorney; Peter M. Huber, County Administrator; David Tickner, Community Development Director; and Gena T. Hanks, Clerk.

### 1. Invocation

The invocation was delivered by Reverend Terry Woodard of the Fairlawn Presbyterian Church.

The Board observed a moment of silence in memory of Reverend David Hoagland who passed away recently and who had performed the invocation at previous Board of Supervisor meetings.

### 2. Featured Employees – Community Development/General Properties

Mr. Sheffey recognized Edith Hampton of the Community Development Department and George Hazel of the General Properties Department as the Featured Employees for the month of May. Mr. Sheffey read a detailed description of the job duties and personal interests of each employee and presented each employee with a gift certificate to Shoney's.

### 3. Additions to Agenda

Mr. Huber advised item 9h - "Renaming of Valley Center Drive to Heron's Landing Drive", which is currently under "Items of Consent", should be moved to "Highway Matters" for consideration by the Board.

Mr. Huber requested that additional items under "Closed Session" include the Hogan's watershed matter, sewer easements and a matter involving Disposition of Property related to the New River Valley Development Corporation.

Mr. Sheffey recognized the Virginia Cooperative Extension Service 4-H students for their work on the recent plantings in front of the courthouse. Mr. Huber noted additional work is still needed on the grass area on the courthouse lawn.

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4. Public Hearings:

a. Appropriations – School Fund

Mr. Sheffey advised a public hearing had been scheduled to consider an amendment to the 2005-06 fiscal year budget. Mr. Huber also clarified this was a request by the School Board for the moving of money in the current fiscal year and was unrelated to the FY 07 budget.

Mr. Sheffey opened the public hearing.

Ms. Laura Meek requested funding for the replacement of the track at Pulaski County High School. Supervisor Sheffey suggested the presentation be made to the School Board since it is related to funding for a school matter. Mr. Huber offered to pass the request along to School Superintendent Don Stowers.

There being no further comments, the public hearing was closed.

On a motion by Mr. Conner, seconded by Mr. Akers and carried, the Board approved the following amendment:

**REVENUES:**

**SCHOOL FUND:**

**Revenue from Federal Sources:**

Title I \$ 605,759.00

**Revenue from Local Sources:**

Rental of Property \$ 1,343.00  
Charges for Services 17,827.64  
Recovered Costs & Other Misc. 29,656.16  
Total Local Sources \$ 48,826.80

**Revenue from State Sources:**

Pre-School Social Service \$ 2,093.75

**TOTAL SCHOOL FUND \$ 656,679.55**

**EXPENDITURES:**

**SCHOOL FUND:**

Instruction \$ 607,852.75  
Administration, Attendance & Health 48,826.80  
**TOTAL SCHOOL FUND \$ 656,679.55**

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,  
Mr. Pratt.

Voting no: none.

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- b. A request for Special Use Permit (SUP) by **Darryl J. & Stephanie S. Gillespie** for an exception to limitations on a private dock facility allowed by Article 8-8, on property identified as tax map no. 067-011-0000-006A, (0.8070 acres), zoned Residential (R-1), located on the east side of Island View Way (private road), approximately 360 ft. south of Whipporwill Way (private road), off Claytor Dam Rd. (Rt. 799), Ingles District.

Mr. Sheffey read the details of the public hearing and called on Mr. Tickner for staff comments. Mr. Tickner explained the purpose of the hearing was to solicit input from the public regarding the proposed special use permit request and advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing. Mr. Sheffey inquired as to any concerns by American Electric Power regarding the request. Mr. Tickner responded that AEP had not expressed any concerns. Mr. Hale requested clarification on the exact location of the private dock. Mr. Akers noted the water in the area was fairly deep but that there was not much room for the proposed dock but that it would be a workable situation if the property owners worked together on the matter.

There being no further comments, the public hearing was closed.

On a motion by Akers, seconded by Mr. Pratt and carried, the Board approved the special use permit request, as recommended by the Planning Commission.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,  
Mr. Pratt.

Voting no: none.

- c. A request for Special Use Permit (SUP) by **Bruce A. Moses** for an exception to limitations on a private dock facility allowed by Article 8-8, on property identified as tax map no. 108-007-0000-0006, (5.0200 acres), zoned Residential (R-1), located at 4395 Lynn Ln., off Hidden Spring Ln. (private road), off Clark Rd. (Rt. 777), Ingles District.

Mr. Sheffey advised the matter had been withdrawn, but offered to hear comments from the public. There were no citizen comments regarding this matter.

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- d. A request for Special Use Permit (SUP) by **VA Tech Foundation, Inc.**, for installation of an above ground fuel tank on property owned by **River Course L L C The**, zoned Transitional Industrial Development (TID), located at 6340 Valley Center Dr., (Rt. 816), Cloyd District.

Mr. Sheffey read the details of the public hearing and called on Mr. Tickner for staff comments. Mr. Tickner explained the purpose of the hearing was to solicit input from the public regarding the proposed special use permit request and advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing. Mr. Sheffey inquired as to the reason for not keeping the tank buried. Architect Glenn Reynolds advised the use of an above ground tank was due to the potential for contamination issues if it were buried. Mr. Hale inquired as to the dimensions of the tank. Mr. Reynolds provided details regarding the tank dimensions.

There being no further comments, the public hearing was closed.

On a motion by Hale, seconded by Mr. Conner and carried, the Board approved the special use permit request, as recommended by the Planning Commission.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Pratt.

Voting no: none.

Abstaining: Mr. Akers.

- e. An initiative by the **County of Pulaski** to amend the following section(s) of the Pulaski County Zoning Ordinance: Amendments to **Article 6A, Transitional Industrial District (I-0) Zoning District; Section 6A-5 Setback Requirements; Section 6A-7 Yard Regulations; adding Section 6A-10 Screening, Landscaping and Lighting.**

Mr. Sheffey read the details of the public hearing and called on Mr. Tickner for staff comments. Mr. Tickner explained the purpose of the hearing was to solicit input from the public regarding the proposed amendments. Mr. Tickner advised the Planning Commission recommended approval of the request.

Mr. Sheffey opened the public hearing. There were no citizen comments and the public hearing was closed.

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On a motion by Mr. Akers, seconded by Mr. Hale and carried, the Board approved the following amendments to the Zoning Ordinance, as recommended by the Planning Commission.

### **6A-5 Setback requirements**

6A-5.4 Any setbacks adjacent to a residential zone **and/or lot line** shall be fifty (50) feet.

### **6A-7 Yard regulations**

6-7.0 Yard requirements when abutting residential, agricultural or conservation districts shall be a minimum of fifty (50) feet as measured from the property line to the ~~adjacent~~ use, **whether on the same lot or an adjacent lot.**

### **6A-10 Screening, Landscaping and Lighting**

*In order to minimize the negative visual, auditory, olfactory and other impacts that more intensive uses may have on less intensive uses in this mixed use district, the standards below are hereby established.*

**6-10.1** *When a non-residential use abuts a residential use, the non-residential use shall be screened from the residential use by landscaping or plantings, as approved by the Zoning Administrator. The landscaping or plantings shall be provided by the non-residential use, in the area of the lot directly between the uses, and shall screen from view the non-residential use from the residential use. In determining whether or not the landscaping or plantings is accomplishing the goal of providing screening between uses, the Zoning Administrator may consider the following:*

**6-10.1.1** *The size of the structures of both the residential and non-residential structures and the ability of the landscaping to adequately screen the uses.*

**6-10.1.2** *The area of development for the non-residential and residential use and whether or not screening is needed along the entire lot line.*

**6-10.1.3** *The location of any easements and/or rights-of-ways and effect that screening would have on such.*

**6-10.1.4** *The locations of ancillary site structures such as propane tanks, water or chemical holding tanks mechanical equipment and parking structures and lots.*

**6-10.1.5** *The location of community amenities on the residential lot such as playgrounds, pools, walking trails or other active or passive recreational areas, and the impact of the non-residential use on them.*

**6-10.2** *Any exterior lighting must be directed down and away from the lot line of the adjoining residential use, and must be less than twenty (20) feet in height when within seventy five (75) feet of the lot line;*

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Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,  
Mr. Pratt.

Voting no: none.

The Board directed county staff to review the site plan requirements, particularly for areas along main corridors in county, and provide an update at the May 22 Board meeting.

Supervisor Sheffey recognized the Pulaski County High School government classes in attendance at the meeting.

5. Highway Matters:

Mr. David Clarke, VDOT Resident Engineer, met with the Board and discussed the following matters:

a. Follow-up from Previous Board Meeting:

1. Review of Highway Matters Section of Key Activity Timetable (KAT)

Supervisor Sheffey inquired as to directional signage to New River Community College. Mr. Clarke agreed to review this matter and provide an update at the May 22 meeting.

Supervisor Sheffey inquired regarding the status of the county entrance signage at Memorial Bridge. Mr. Clarke advised the sign was still not in the clear zone; however, VDOT continues to review the matter. Mr. Clarke further advised a preliminary review has been done and the signage does not meet the requirements because of median size. He advised he would provide county staff with the signage dimensions that would fit the median area and will also look at alternate locations. Mr. Huber encouraged the standardization between county and municipal signage requirements.

Supervisor Sheffey inquired regarding rumble strips on Hazel Hollow Road. Mr. Clarke advised rumble strips had been installed.

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Supervisor Pratt inquired regarding the status of the placement of gravel on Worrell Road. Mr. Jack Martin also advised no additional gravel had been placed on Worrell Road. Mr. Clarke agreed to review the matter.

Supervisor Sheffey inquired regarding the widening of Church Hill Lane. Mr. Clarke advised he would review the matter and provide an update at the May 22 meeting.

b. Valley Center Drive Road Name

As reported in the Board packet, John Spangler advises he spoke with Wayne Carpenter of the New River Valley Development Corporation and Mr. Carpenter has indicated the New River Valley Development Corporation would like to use the "Valley Center Drive" road name for the entrance to the center which would solve the problem of not having to re-address the center to River Course Drive.

On a motion by Mr. Pratt, seconded by Mr. Akers and carried, the Board approved renaming the entrance to the New River Valley Development Corporation to "Valley Center Drive" and renaming of previous Valley Center Drive to "Heron's Landing Drive".

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,  
Mr. Pratt.

Voting no: none.

c. Closing Robinson Tract Road to Tractor Trailers

As reported in the Board packet, Ms. Shirley Davis is requesting the restriction of truck traffic crossing Robinson Tract Mountain Road. Mr. Clarke advised he would review the measures needed to prohibit truck traffic and provide an update at the May 22 Board meeting.

d. Citizen Comments

There were no citizen comments at this time.

e. Board of Supervisors Concerns

Supervisor Sheffey inquired regarding brush cutting/mowing in areas in the county. Mr. Clarke advised plans are to consider individual requests as they are reported.

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Supervisor Sheffey advised of the need for gravel on an unpaved portion of Depot Road. Mr. Clarke agreed to review the matter and provide an update at the May 22 meeting.

Supervisor Sheffey advised he had attended the Wytheville hearing on the I-81 improvements. Mr. Clarke advised the comments will be evaluated and that the toll issue is a separate issue, a public hearing is expected, a concept chosen and an estimate prepared. Mr. Clarke advised VDOT did not have a timeframe at this time, but results would most likely be based on public comments.

### 6. Treasurer's Report

Mr. Huber advised a copy of the report prepared by Treasurer Rose Marie Tickle had been given to each Board member and noted Treasurer Tickle was unable to attend the meeting.

### 7. Citizens' Comments

Ms. Bettye Steger thanked the Board for the cooperation with the Town of Pulaski, including the efforts to bring James Hardie to the Town. Ms. Steger also thanked Mr. McCarthy and Mr. Huber for their help over the years.

### 8. Reports from the County Administrator & Staff:

#### a. Key Activity Timetable (KAT)

The Board reviewed in detail the Key Activity Timetable.

Mr. Sheffey requested changes in the target dates as follows: April 06 to April 07 for "Study county-wide uniform utility rates" and also for Health Department office relocation.

#### b. Scheduling of Board Tour of DeHaven Park, Proposed Fairlawn School Site and James Hardie

As reported in the Board packet, a tour had been scheduled for Saturday, April 29 with plans to use Pulaski Area Transit buses. Also invited to participate in the tour were members of the School Board, Industrial Development Authority and Pulaski Town Council. Plans included meeting at the Bob White Building at 12:45 p.m. on Saturday, April 29.

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c. Budget Calendar Revisions

The Board confirmed the need for a meeting on Monday, May 1 at 6:30 p.m. Mr. Huber advised no action had been taken by the legislature to adopt a state budget. The Board directed staff to invite the two Senators and two House of Delegates representatives to the May 22 Board meeting to describe state budget issues.

9. Items of Consent:

On a motion by Mr. Conner, seconded by Mr. Hale and carried, the Board approved the following "Items of Consent", except for items 9h "Renaming of Valley Center Drive to Heron's Landing Drive" for which action was taken under "Highway Matters", and item 9d3 "Contracts, Change Orders, and Agreements – Robinson, Farmer, Cox Associates Contract for Auditing Services".

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.  
Voting no: none.

a. Approval of Minutes of March 27 & April 5, 2006

The Board approved the minutes of the March 27 & April 5, 2006, meeting.

b. Accounts Payable

The Board approved accounts payable as presented on checks numbered 21904 through 22296, subject to audit.

c. Appropriations and Interoffice Transfers

The Board approved Interoffice Transfer #10 totaling \$46,272.04.

d. Contracts, Change Orders & Agreements:

The Board approved the following items, except for item 4, which action was taken separately and noted:

1. VDEM Additional Allocation of the 2005 State Homeland Security Program Grant
2. Transportation Safety Project Grant
3. Robinson, Farmer, Cox Associates Contract for Auditing Services

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The Board delayed action on this matter to its May 1 meeting, pending staff contacting Robinson, Farmer, Cox Associates to request an itemization of the cost increase.

4. VDEM Grant Application
5. Virginia Interoperability Comm. Grant
6. Banking Services Contract

e. Personnel Changes

The Board reviewed recent personnel changes as prepared by Ms. Burchett.

f. Cell Phone Policy

The Board approved the following Cell Phone Policy:

**Cell Phone Policy**

The IRS now requires accountability in the utilization of cell phones. Specifically, federal requirements state that if a cell phone provided by the county is used for non-emergency personal communication, its use must be counted as a taxable fringe benefit. Alternatives in addressing this situation is for all employees to not make any non-emergency cell phone calls on cell phones paid for by the county, to be taxed for its usage or to pay a portion of the cost of cell phone. In order to avoid having to impose a tax liability on ***all*** county employees for their cell phones regardless of its usage, this policy establishes terms for the use of county cell phones for personal use.

Personal Use – Each employee is given the option of pre-selecting their choice of not utilizing their cell phone for personal use or being able to use the county cell phone for personal use while sharing the cost of the phone.

Option One – No non-emergency personal use of county cell phone. Emergencies are defined as any life threatening situation such as reporting an accident, calling for help, etc. Coordination of personal schedules or other communications would not be included in this definition.

Option Two – Employee would be allowed to utilize the phone for personal use while participating in the cost of the cell phone. Costs would be as follows: \$25 per month for

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total cell phone use of up to 700 minutes (combined county and personal usage) for usage from 7:00 a.m. to 9:00 p.m. Monday through Friday. Usage on weeknights between 9:00 p.m. and 7:00 a.m. and weekends is free, as are long-distance calls within the 48 states. Employees must agree to pay the \$25 per month fee through payroll deduction as well as a \$0.40 per minute for all minutes used over the 700 per month pending a specific documented reason for excessive business usage.

This alternative allows for a sharing of costs without specific itemization of each call, avoids the need for employees to establish dual lines or carry two cell phones.

Applicability – This policy would apply to all cell phone service for which the County has financial responsibility, but would not include agencies purchasing cell phone services through the County.

Monitoring – Each employee and the Information Technology staff will be responsible for monitoring total usage.

Payment - Cell phone charges will be collected via after-tax payroll deduction.

g. Business Appreciation Week Proclamation

The Board declared May 8-12, 2006 as Business Appreciation Week.

h. Renaming of Valley Center Drive to Heron's Landing Drive

Action on this matter was taken previously in the Board meeting.

i. Opposition to Federal Franchise Standards

The Board approved endorsement of a letter to Congressman Boucher opposing the federal franchise standards.

j. Draper Valley Golf Course Wireless Internet Service

The Board approved a "Standard Antenna Site Lease Agreement" with the Draper Valley Golf Club, a copy of which is filed with the records of this meeting.

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10. Citizen Comments

Ms. Jean Anderson thanked Board for approving the installation of outdoor lights in front of the County Administration Building.

11. Other Matters from Supervisors

Mr. Huber advised that the Board had been invited by the Virginia Water Projects to receive an award Thursday.

12. Closed Meeting - 2.2-3711.A.1.3.5.7

A closed meeting is requested pursuant to Section 2.2-3711.A.1.3.5.7 of the 1950 Code of Virginia, as amended, to discuss personnel, legal, land acquisition/disposition, and prospective industry matters.

It was moved by Mr. Akers, seconded by Mr. Conner and carried, that the Board of Supervisors enter Closed Session for discussion of the following:

Property Disposition or Acquisition – Pursuant to Virginia Code Section 2.2-3711(A)3 discussion for consideration of the disposition or acquisition of publicly held property regarding:

- Commerce Park Shares
- Trail Development
- Building Reuse Plan
- Use of Cloyd's Mountain as a Shooting Range
- Bob White Building
- Surplus Property Disposal
- Industrial Park Property Acquisition
- Hogan's Watershed Update
- Dublin Area Sewer Easements

Personnel – Pursuant to Virginia Code Section 2.2-3711(A)1 discussion for consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding:

- Staff Reorganization

Prospective Industry – Pursuant to Virginia Code Section 2.2-3711(A)5 discussion concerning a prospective business or industry, or the expansion of an existing business and industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

- None

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Legal Matters – Pursuant to Virginia Code Section 2.2-3711(A)7 consultation with legal counsels and briefing by staff for discussion of specific legal matters and matters subject to probable litigation regarding:

- Complaint for Declaratory Judgment
- Revision to Magnox Loan Guarantee Contract

Return to Regular Session

It was moved by Mr. Conner, seconded by Mr. Pratt and carried, that the Board return to regular session.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,  
Mr. Pratt.

Voting no: none.

Certification of Conformance with Virginia Freedom of Information Act

It was moved by Mr. Akers, seconded by Mr. Conner and carried, that the Board of Supervisors adopt the following resolution certifying conformance with the Virginia Freedom of Information Act.

WHEREAS, the Board of Supervisors of Pulaski County, Virginia, has convened a closed meeting of this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act:

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Pulaski County, Virginia hereby certifies to the best of each members' knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in this motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers,  
Mr. Pratt.

Voting no: none.

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14. Adjournment

On a motion by Mr. Pratt, seconded by Mr. Conner and carried, the Board of Supervisors continued the meeting to Saturday, April 29, 2006 at 1:00 p.m. for a tour of the James Hardie facility, the new Fairlawn School site and Harry DeHaven Park.

Voting yes: Mr. Hale, Mr. Conner, Mr. Sheffey, Mr. Akers, Mr. Pratt.

Voting no: none.

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Joseph L. Sheffey, Chairman

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Peter M. Huber, County Administrator